

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

SEP 12 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2011-0197
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
DARRICK JAMAL DAVIS,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF COCHISE COUNTY

Cause No. CR201000613

Honorable Wallace R. Hoggatt, Judge

AFFIRMED

Zohlmann Law Offices
By Robert J. Zohlmann

Cortez, FL
Attorney for Appellant

K E L L Y, Judge.

¶1 Darrick Davis was convicted after a jury trial of armed robbery, aggravated robbery, aggravated assault, and two counts of disorderly conduct, all dangerous offenses. He was sentenced to concurrent prison terms, the longest of which was nine years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating he “has

reviewed the entire record but has found no tenable issue to raise on appeal” and asking this court to review the record for “potential error.” Davis has not filed a supplemental brief.

¶2 We view the evidence in the light most favorable to sustaining the verdicts. *State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). That evidence shows that Davis, along with two codefendants, robbed a couple and their daughter at gunpoint outside a shopping mall, with one of the defendants pushing the barrel of an assault rifle into a victim’s midsection while demanding that he “[e]mpty [his] pockets.” We conclude the evidence was sufficient to support the jury’s verdicts. *See* A.R.S. §§ 13-105(13), 13-1203(A)(2), 13-1204(A)(2), 13-1902(A), 13-1903(A), 13-1904(A)(1), 13-2904(A)(6).

¶3 Davis’s counsel identifies three “possible areas presenting legal issues which may have been suitable as appellate issues,” to wit, whether the trial court properly denied Davis’s motions to exclude certain witnesses based on purportedly incomplete disclosure by the state, as well as his motion pursuant to Rule 20, Ariz. R. Crim. P., for a judgment of acquittal and his motion for a new trial. We have reviewed these “possible” issues and agree with counsel that they do not present viable claims of error on appeal.

¶4 Davis’s sentences were within the prescribed statutory range and were imposed lawfully. *See* A.R.S. §§ 13-704(A), 13-1204(D), 13-1903(B), 13-1904, 13-2904(B). Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. *See State v. Fuller*, 143 Ariz. 571,

573, 575, 694 P.2d 1185, 1187, 1189 (1985) (*Anders* requires court to search record for fundamental error). Therefore, Davis's convictions and sentences are affirmed.

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge

CONCURRING:

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge